REMARKS

Claims 1-3, 5-7 and 9 have been rejected under 35 USC 103(a) as unpatentable over Hiller in view of Forslöw. The rejection is respectfully traversed.

The Examiner provides remarks in Response to Arguments, beginning on page 2 of the Office Action. Applicant responds accordingly.

The claimed invention relates to a method and a home agent for transferring an IP packet from a sender over a radio access network to a mobile host. For transferring the IP packet, if available, a preconfigured label switched path is used. The preconfigured label switched path between a foreign agent and a home agent of the mobile host is neither created nor modified in the course of a handover of the mobile host from one foreign agent to another foreign agent. Therefore, the preconfigured label switched path is statically administered (see original application page 5, lines 24-25). As noted in the previously filed response, by using statically administered preconfigured label switched paths (a) the signaling load in the network can be reduced, and (b) a handover delay is independent of setup time for label switched paths (see page 6, lines 26-28).

Hiller discloses a method and a system for supporting overlapping IP addresses by sharing a mobile node identifier between an Interworking Function (IWF) and a Foreign Agent in a visited data network. The mobile node identifier is stored in lookup tables associated with the IWF comprising a Mobile Identity table and the Foreign Agent comprising a Visitor List table. When a data packet travels between the IWF and the Foreign Agent, the mobile node identifier is attached thereto. For data packets moving towards the mobile node, the IWF uses the mobile node identifier to identify the correct mobile node destination by finding the corresponding link identifier in the Mobile Identity table. However, Hiller fails to disclose a handover of a mobile host from one foreign agent to another foreign agent is accomplished without creating or modifying a preconfigured label switched path. Applicants disagree with the Examiner's response to arguments for at least the following reasons:

1. The Examiner cites column 1, lines 42-45 of Hiller. This passage merely relates to the prior art (i.e. background), which disadvantages (see column 1, line 46 – column 2, line 19) are overcome by the subject matter described in Hiller beginning on column 2, line 31. Since the description is silent about using statically administered paths, it cannot be assumed that a person skilled in the art can deduce the limitations found in claim 1. To the contrary, a person skilled in

the art would consider the data exchange through a tunnel- a path followed by the user's data packet while it is encapsulated in another packet (see column 1, line 42-45)- as to be at least jointly responsible for the disadvantages of the prior art of the subject matter described in Hiller. Therefore, the skilled artisan would not use a statically administered preconfigured label switched path since Hiller teaches away (teaches using a tunnel) from using a statically administered preconfigured label switched path.

2. In Figure 2 of Hiller, the Foreign Agent 10 and the Home Agent 12 are connected with a straight line. The Examiner appears to derive from this straight line that the path between the Foreign Agent 10 and the Home Agent 12 is static even if a Handover of the mobile Node 4 is carried out. However, the straight line connecting the Foreign Agent 10 and the Home Agent 12 only provides the conclusion that there is at least a logical connection, not a static connection. Specifically, the corresponding text (see column 4, lines 56-58) states that a "straight line connection" provides "data packets are transmitted from the Home Agent 12 to the Foreign Agent 10." However, there is no disclosure that the connection between the Foreign Agent 10 and the Home Agent 12 is a statically administered path.

Forslow similarly fails to disclose use of statically administered preconfigured label switched paths, which remain unchanged even if a mobile host performs a handover between two foreign home agents.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket 118744-100.

Respectfully submitted,
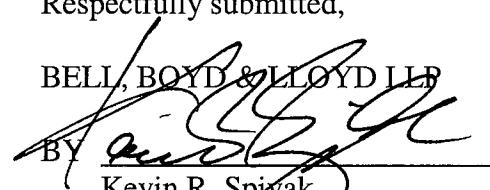
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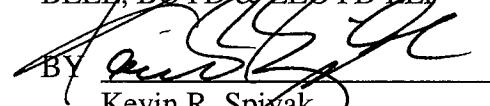
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